

Message Text

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ACTION IO-13

INFO OCT-01 AF-08 ARA-06 EA-07 EUR-12 NEA-10 ISO-00
ACDA-07 CIAE-00 DODE-00 PM-04 INR-07 L-03 NSAE-00
NASA-01 NSC-05 ERDA-05 OES-06 CCO-00 OTPE-00
EB-08 FCC-01 OC-06 USIA-06 COME-00 BIB-01 /117 W
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FM USMISSION USUN NEW YORK
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C O N F I D E N T I A L USUN 0975

E.O. 11652: GDS
TAGS: TSPA, AORG, ETEL, UN
SUBJECT: OUTER SPACE LEGAL SUBCOMMITTEE: DBS-MARCH 30, 1977

REF: A) USUN 941; B) USUN 938; C) USUN 959 (NOTAL)

1. SUMMARY: LEGAL SUBCOMMITTEE (LSC) CONTINUED DISCUSSION OF DIRECT BROADCASTING SATELLITES (DBS) ON MARCH 30. AUSTRIA, CANADA, AND SWEDEN INTRODUCED A NEW INFORMAL TEXT ON CONSULTATIONS AND AGREEMENTS FOR WORKING GROUP CONSIDERATION. IN PRIVATE MEETING USSR ASKED US WHETHER THIS LATEST PROPOSAL MIGHT SERVE AS ACCEPTABLE BASIS FOR COMPROMISE; US RESPONSE WAS NON-COMMITAL. AFTERNOON SESSION RECONVENED AS MINI-WORKING GROUP TO DISCUSS AUSTRIA/CANADA/SWEDEN DRAFT. USDEL WAS PRESENT BUT DID NOT ACTIVELY PARTICIPATE IN DRAFTING EXERCISE SO AS NOT TO APPEAR TO SUPPORT DRAFT. CONSIDERATION OF TEXT WILL RESUME MARCH 21. END SUMMARY.

2. LSC CONVENED A.M. MARCH 30 AS WORKING GROUP II ON DBS. NO DELEGATION SPOKE AND CHAIRMAN WYZNER ADJOURNED MEETING FOR 45 MINUTES WHILE DELEGATES CAUCUSED. WHEN MEETING RECONVENED, AUSTRIAN DELEGATE REPORTED THAT DURING INTERMISSION AUSTRIA, CANADA AND SWEDEN HAD AGREED ON A NEW INFORMAL
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TEXT WHICH AMALGAMATED ELEMENTS OF EARLIER CANADA/SWEDEN AND AUSTRIA PROPOSALS (REFTEL A). TEXT WAS DISTRIBUTED AS INFORMAL UNNUMBERED PAPER AS FOLLOWS: QUOTE

1. DIRECT TELEVISION BROADCASTING BY MEANS OF ARTIFICIAL EARTH SATELLITES SPECIFICALLY DIRECTED AT A FOREIGN STATE SHOULD BE CONDUCTED IN ACCORDANCE WITH THE PRINCIPLES SET OUT HEREIN AND IN PARTICULAR WITH THE RULES OF INTERNATIONAL LAW RELATING

TO FREEDOM OF EXPRESSION, WHICH INCLUDES THE FREEDOM TO SEEK, RECEIVE AND IMPART INFORMATION AND IDEAS OF ALL KINDS, REGARDLESS OF FRONTIERS. A DIRECT TELEVISION BROADCASTING SATELLITE SERVICE SPECIFICALLY DIRECTED AT A FOREIGN STATE, IN THOSE CASES IN WHICH THE COVERAGE OF THAT STATE IS PERMITTED UNDER THE RELEVANT INSTRUMENTS OF THE ITU, SHALL BE ESTABLISHED ON THE

BASIS OF APPROPRIATE AGREEMENTS BETWEEN THE BROADCASTING AND RECEIVING STATES OR THEIR DULY AUTHORIZED BROADCASTING ENTITIES.

2. A STATE WHICH PROPOSES TO ESTABLISH OR AUTHORIZE THE ESTABLISHMENT OF A DIRECT TELEVISION BROADCASTING SERVICE BY MEANS OF

ARTIFICIAL EARTH SATELLITES SPECIFICALLY DIRECTED AT A FOREIGN STATE SHALL WITHOUT DELAY ENTER INTO CONSULTATIONS WITH THE RECEIVING STATE IF THE LATTER SO REQUESTS.

3. NO SUCH CONSULTATIONS OR AGREEMENTS ARE REQUIRED WHERE THE COVERAGE OF THE TERRITORY OF A FOREIGN STATE RESULTS MERELY FROM OVERSPILL OF THE RADIATION OF THE SATELLITE SIGNAL WITHIN THE LIMITS PERMITTED UNDER THE RELEVANT INSTRUMENTS OF THE ITU. UNQUOTE

3. WYZNER THEN SUGGESTED THAT MINI-WORKING GROUP MEET DURING AFTERNOON TO DISCUSS THIS TEXT FURTHER. IN BRIEF INTERVENTION, USSR (MAIORSKI) STATED WILLINGNESS TO CONSIDER THE TEXT BUT CAREFULLY EMPHASIZED THAT THE GDR TEXT SUBMITTED YESTERDAY SHOULD REMAIN UNDER ACTIVE CONSIDERATION UNLESS GDR ITSELF WISHED TO WITHDRAW IT.

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4. AT PRIVATE MEETNG WITH USDEL AFTER END OF MORNING SESSION, USSR (MAIORSKI AND KOLOSSOV) ASKED FOR US VIEWS ON THE COMBINED AUSTRIA/CANADA/SWEDEN PAPER REPORTED PARA

2. USSR SAID IT WOULD LIKE TO CONCLUDE WORK ON DBS THIS SESSION AND THAT WITH SOME CHANGES IN LANGUAGE THE COMBINED PROPOSAL MIGHT BE ACCEPTABLE TO USSR IF IT COULD FORM BASIS OF COMPROMISE ACCEPTABLE TO THE US. USDEL RAISED QUESTION OF NEED FOR ANY PRINCIPLE ON "CONSENT AND PARTICIPATION" IN LIGHT OF 1977 WORKD ADMINISTRATIVE RADIO CONFERENCE (WARC) RESULTS. MAIORSKI RESPONDED THAT A GENERAL PRINCIPLE OF INTERNATIONAL LAW IS REQUIRED BECAUSE THERE IS ALWAYS POSSIBILITY THAT US OR OTHER COUNTRIES COULD WITHDRAW FROM ITU AND, THEREFORE, NOT BE SUBJECT TO ITU CONVENTION, RADIO REGULATIONS OR REGIONAL PLANS. SOVDEL INDICATED WILLINGNESS TO INCLUDE THE FOLLOWING IN DBS PRINCIPLES: A) A CLEAR STATEMENT THAT PRINCIPLES APPLY ONLY TO TV DIRECT BROADCAST SATELLITES; B) FREE FLOW OF INFORMATION LANGUAGE ALONG LINES OF HELZINKI ACCORD; C) SUBSTITUTION OF "AGREEMENT" FOR "CONSENT" AND

POSSIBLY COULD ACCEPT "UNDERSTANDINGS."

5. SOVDEL THEN PROVIDED POSSIBLE ALTERNATIVE LANGUAGE AS FOLLOWS:

QUOTE: ACTIVITIES IN THE FIELD OF DBS AIMED AT A FOREIGN STATE SHALL BE ESTABLISHED ON THE BASIS OF APPROPRIATE AGREEMENTS BETWEEN THE STATES INVOLVED, SUCH AGREEMENTS TO BE CONCLUDED IN ACCORDANCE WITH THE AIM TO FACILITATE THE FREER AND WIDER DISSEMINATION OF INFORMATION OF ALL KINDS AND TO ENCOURAGE COOPERATION IN THE FIELD OF INFORMATION AND THE EXCHANGE OF INFORMATION WITH THE OTHER COUNTRIES. UNQUOTE.

6. SOVDEL CONTINUED TO PRESS USDEL FOR SOME INDICATION OF BOTTOM LINE US POSITION SO THEY COULD REPORT SAME TO MOSCOW AND DETERMINE WHETHER ANY COMPROMISE WAS POSSIBLE. USDEL RESPONDED THAT US WAS NOT WILLING TO PROVIDE ITS CONFIDENTIAL

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VIEWS AT THIS TIME, SINCE POSITION OF OTHER DELEGATIONS (SUCH AS FRANCE, LATIN AMERICANS AND DEVELOPING COUNTRIES) WAS NOT YET CLEAR AND THEY MIGHT INSIST ON AN EXPRESS PRIOR CONSENT PRINCIPLE, IN WHICH EVENT IT WAS NOT LIKELY THAT COMPROMISE TEXT ACCEPTABLE TO ALL DELEGATIONS COULD BE FORMULATED. CONVERSATION ENDED ON NOTE THAT US AND USSR WOULD AWAIT FURTHER DEVELOPMENTS OF MINI-GROUP EFFORT AND PERHAPS CONSULT AGAIN LATER THIS WEEK.

7. AFTERNOON SESSION CONVENED IN MINI-WORKING GROUP TO DISCUSS COMPROMISE TEXT PARA 2. USDEL WAS PRESENT BUT DID NOT TAKE ACTIVE ROLE IN DRAFTING EFFORTS SO AS NOT TO APPEAR TO SUPPORT EVOLVING TEXT. NUMEROUS CHANGES WERE SUGGESTED BUT SESSION CONCLUDED WITHOUT A DRAFT ACCEPTABLE TO MINI-WORKING GROUP DELS. DRAFTING TO CONTINUE TOMORROW.
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Message Attributes

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Control Number: n/a
Copy: SINGLE
Sent Date: 01-Apr-1977 12:00:00 am
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Decaption Note:
Disposition Action: RELEASED
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Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 22 May 2009
Disposition Event:
Disposition History: n/a
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Disposition Remarks:
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Litigation History:
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